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Attorney for 1st Source Bank

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

VALLEY EQUIPMENT COMPANY, INC.,
Plaintiff,
v.
1st SOURCE BANK,
Defendant.

Case No. _____

NOTICE OF REMOVAL

Defendant 1st Source Bank, through its undersigned attorney and pursuant to 28 U.S.C. §§1441 and 1446, petitions this Court for removal of this civil action, and in support thereof states as follows:

1. On April 20, 2020, Plaintiff filed a Complaint in the Circuit Court of the State of Oregon for the County of Marion, entitled *Valley Equipment Company, Inc., an Oregon corporation v. 1st Source Bank, an Indiana corporation*, Case No. 20CV15788 (the “Action”). Copies of the Action and current docket are attached collectively as Exhibit A.

2. The Action is removable pursuant to 28 U.S.C. § 1441, *et seq.*, which allows the removal of any action over which the federal district court has original jurisdiction. This Court has original jurisdiction over the Action pursuant to the diversity of citizenship requirements of 28 U.S.C. § 1332.

3. First, there is diversity of citizenship between the parties. Plaintiff is an Oregon corporation. (Complaint, ¶ 1). Defendant is an Indiana corporation with its principal place of business in Indiana. (*Id.*, ¶ 2; Declaration of C. Rhoades, ¶ 2). A copy of the Declaration of Courtney Rhoades is attached as Exhibit B.

4. Second, the Action satisfies the amount of controversy requirement in 28 U.S.C. §1332(a) in that Plaintiff is requesting \$6.5 million in its Complaint. (Complaint, ¶¶ 15, 23, prayer for relief).

5. This Notice of Removal is timely filed with this Court pursuant to 28 U.S.C. §1446(b), because it was filed within thirty (30) days from when it could first be ascertained that the case was one which was or had become removable. The venue of this removal action is proper pursuant to 28 U.S.C. §§1441(a), inasmuch as the United States District Court for the District of Oregon, Eugene Division, embraces Marion County, Oregon, which is the place where the state court action is pending.

7. Pursuant to 28 U.S.C. § 1446(d), immediately upon the filing of this Notice of Removal, Defendant shall give written notice to counsel for Plaintiff of the removal of this case. In addition, Plaintiff shall file a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Marion for filing with the papers of Plaintiff's suit there.

8. This Notice of Removal is signed in accordance with Fed. R. Civ. P. 11.

WHEREFORE, this action should proceed in the United States District Court for the District of Oregon, Eugene Division, as an action properly removed thereto.

DATED: April 30, 2020

Respectfully submitted,

KEEFER, LLC

By: /s/ Christopher M. Keefer

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